



**Portable
Long Service
Authority**

FACT SHEET

Community Services Employers

About Portable Long Service in the Community Services sector

For the purposes of the Portable Long Service Benefits Scheme, the community services sector is the sector in which community services work is performed.

Community services work, as defined by the Act, includes:

Roles providing support to people with a disability or who are vulnerable, disadvantaged or in crisis including:

- training and employment support or employment placement
- financial support or goods for assistance
- accommodation or accommodation related support services
- home care support services and other support services for persons with a disability or their carers

Other services prescribed as community service work, including:

- community legal services, community education and information services or community advocacy services
- community development services
- fundraising assistance for community groups
- services providing assistance to particular cultural or linguistically diverse communities
- social work, welfare work and youth work services
- home care support services provided in a private residence (other than health or aged care work)
- crisis counselling
- emergency material relief
- custodial or supportive care and social welfare
- assessment of individual or family needs
- social and community development, education and advocacy
- family support services
- youth services
- housing and homelessness services
- family violence prevention and response
- neighbourhood houses
- drug and alcohol services
- migrant and refugee support services

From 1 January 2020, the following will be prescribed to be community service work:

- an activity that is funded by the National Disability Insurance Scheme (NDIS).
- a service provided by a licensed children's service under the Children's Services Act 1996 or an approved provider under the Education and Care Services National Law (Victoria) (except an entity that is also a registered school within the meaning of the Education and Training Reform Act 2006).

Who is included in the Scheme – Employers and Workers

Tests are undertaken to determine if an employer or worker is included in the Scheme.

There are two tests that apply to determine a person's eligibility in the community services sector under the Act:

Employer Test: Is the employing entity eligible to be an employer for the community services sector, and does that employer employ at least one person who is eligible to be a worker for the community services sector?

Worker Test: Is the individual worker eligible to be a worker for the community services sector? To be an eligible worker, the predominant activity of the eligible individual worker's substantive role must be the personal delivery of services or the personal performance of activities that are community service work.

Businesses who employ workers to do community services work as defined by the Act, must comply with the legislation by:

Registering with the Portable Long Service Authority

Submitting Quarterly Returns to the Portable Long Service Authority and paying the employer levy

Who is a community services employer under the Portable Long Service Scheme?

To be an employer for the community services sector under the Portable Long Service Scheme, you must be:

- a non-profit entity that employs one or more individuals to perform community service work;
- an entity for profit that employs one or more individuals to perform community service work for persons with a disability; or
- an entity prescribed under the Regulations.

For example:

William works for the Springfield Meals on Wheels Association.

The Association is a registered charity on the ACNC Charity Register.

Accordingly, the Association is a non-profit entity and would be included as an Employer under the Scheme.

Another example:

Vladimir works for ABC Phone Service Pty Ltd providing phone counselling services (which is community service work) that is outsourced from Depression Assist Australia.

ABC Phone Services Pty Ltd is an entity for profit.

However, ABC Phone Service Pty Ltd does not employ anyone to do community services work specifically for persons with a disability and there is not an employer under the Act.

It is important to note that health or aged care work are not included as community services work under the Act.

If an entity provides health or aged care work and community services work, the entity will not be an employer if health or aged care work is the predominant activity provided by the entity.

The following are NOT Community Services employers under the Portable Long Service Scheme:

- The Commonwealth of Australia, for example the Department of Education
- The State of Victoria, for example the Department of Education and Training
- Entity that has a governing body appointed under an Act, for example the Portable Long Service Benefits Authority
- Municipal council or other public statutory body, for example the City of Melbourne or Mornington Peninsula Shire.
- Public health service or public hospital – these are specified in the Act and Regulations

For example:

Lucy works for the City of Boroondara and provides recreation and leisure community services. The City of Boroondara is a municipal council.

Therefore, Lucy is not eligible to join the Scheme as she is not employed by a specified community services employer.

Another example:

Sam works for the Department of Health and Human Services as a policy officer on disability support services policy and legislation.

Sam would not be eligible to join the Scheme as the Department of Health is not an employer under the Act.

Who is a community services worker under the Portable Long Service Scheme?

A worker in community services under the Portable Long Service Scheme, is a person employed by a defined community services employer and who must personally deliver services or personally perform activities that are community service work.

These activities must be the predominant activity of their substantive role.

From 1 January 2020, as described in the Regulations an activity that is funded by the NDIS will be included as community services work.

From 1 January 2020, as described in the Regulations services provided by an entity that is a licensed children's service under the Children's Services Act or an approved provider under the Education and Care Services National Law (Victoria).

What if my organisation provides more than one service?

Some community organisations provide more than one service such as health or aged care. It is possible that some of the services come within the scope of the legislation, whilst others may not. In cases where an entity provides health or aged care work and community service work, the entity will not be an employer if health or aged care work is the **predominant activity**.

In accordance with the Regulations a predominance test is applicable where health or aged care work is provided.

For example:

The Saint Jude Community Health Centre provides some community service work. Community health centres are subject to a more stringent employer test under the Act, which sees them excluded from the scheme where health and/or residential aged care work is the predominant service provided.

If Saint Jude predominantly provides health and/or residential aged care work then the whole organisation and all workers will be excluded from the scheme, even if some of those workers perform community service work as the predominant function of their role.

If the health or aged care work is not the predominant work carried on by Saint Jude, then the organisation may still need to register as an employer with the Authority and pay the levy for eligible workers in relation to the community services work that it performs.

Further resources

The Portable Long Service Authority is developing further guidance and this will be progressively posted on the website.

For example, guidance is being developed on what is meant by the terms 'vulnerable', 'disadvantaged', 'persons with a disability', and 'in crisis', and how the predominance test is to be applied.

For more information:

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